

EXHIBIT 17

ATTORNEY GENERAL'S OFFICE

OFFICE MANUAL

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Section 4**ADMINISTRATION/RECORDS**

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE OFFICE. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE OFFICE RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT

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The Office Records System

In 1973, the South Carolina Public Records Act (PRA) (S.C. Code 30-1-1, et seq) was enacted to provide “the application of efficient and economical management records” in “the creation, utilization, maintenance, retention, preservation and disposal of public records” by state and local governments. Public officials are legally responsible for creating and maintaining records that document the transactions of government business. These records provide evidence of the operations of government and accountability to its citizens. Public officials must maintain this information according to established PRA.

The PRA requires proper administration of records and makes it illegal to destroy public records without approval of the Department of Archives and History (DAH)

The Records department of the Office is responsible for the creation, maintenance, and destruction of paper records. The department also shares some responsibility with IT in the maintenance of records stored digitally. All records go through a life cycle. Below is the typical life cycle of a paper record.



The Records Department is not only responsible for managing physical files, it is also responsible for managing and providing data analysis within the case management system, which includes the following:

- Running various reports,
- Locating misplaced files,
- Retrieving and transmitting files to and from the State Record Center (SRC),
- Implementing DAH Retention schedules,
- Visualizing, developing, and leading the record management system.

Individuals in custody of a public record is responsible for compliance with the PRA. Our program is coordinated with the DAH. This involves coordination of records management, office automation and computer use, document preparation and research, library, printing, dictation equipment, and other information processing activities.

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Many case and correspondence files, reports, and internal documents are public records under the PRA. All Office public records are covered by general and specific retention schedules. Records are retained by the Office Records Officer and destroyed only after DAH approval.

The Records Officer

According to SC Code 30-1-20, The Director of Administration is designated as the Records Officer for Office's implementation of the Public Records Act (PRA).

"The chief administrative officer of any agency or subdivision or any public body in charge of public records or creating, filing or keeping public records is the legal custodian of these records and is responsible for carrying out the duties and responsibilities of this chapter which are assigned to public agencies, bodies, offices, or subdivisions. He may appoint a records officer to act on his behalf."

Pursuant to this authority, the Director has appointed the Records Manager as Records Officer/Custodian to act on the Director's behalf. The Records Department is part of the Administration Division.

Public Records

Pursuant to DAH policy, the following general examples of data fall within the definition of public records:

- incoming substantive correspondence
- briefs and pleadings
- legal files
- office reports
- publications
- press releases
- legal opinions
- photographs
- survey forms
- research reports
- memos to staff or file
- investigative reports
- personnel and accounting records
- calendars, computer files or folders
- publications
- subject files
- substantive emails
- telephone call logs

Other data not considered as an official record may be discarded during the normal course of business:

- hand-written incidental notes to co-workers
- incidental post-it notes
- personal or incidental emails
- draft documents
- extra convenience

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| copies of public documents | • pamphlets | governmental activities |
| • research notes of attorneys | • blank forms | • unsolicited general mail sent to Office |
| • trade journals | • publications not evidence of | |

The Office policy is to treat email like any other public document. Those of a non-substantive nature may be deleted. An email which documents a work decision or position is to be retained in accordance with the Email Retention Schedule. (**See email retention schedule**)

Employees are reminded of two factors regarding emails. First, emails should not be considered private. Under the S.C. Public Records Act and the Freedom of Information Act, many emails are not confidential, and release may be required upon proper request. In certain circumstances, Office supervisors may, with cause, review email sent and received by an employee. Second, emails are still accessible for a certain length of time after you delete them at your desk. A prudent guide for personal use of email is to use it only for communication which may withstand public scrutiny.

In maintaining administrative, subject, legal, investigative, or correspondence files, employees should apply these guidelines. Employees are reminded that the Public Records Act is mandatory for agencies, and they should be familiar with the implementing procedures outlined below. Generally, most work documents are considered public records.

Public Access to Records & FOIA

Requests for copies of closed files or the name of the attorney assigned an active file should be submitted in writing by any requestor not employed by the Office. To protect the confidentiality of investigative and case files, it is not Office policy to provide information orally about these files. If the section handling a case is known, a request for information can be referred to the section. Otherwise, requests should be referred to the Public Relations Section. All media requests on the status of a case must be referred to Public Relations.

Closed Office files, including those stored outside the Office, are not made available without authorization from the Chief Deputy and/or the attorney responsible for the matter. Personnel records are confidential, unless there is a release or court order, except as made public by Budget & Control Board regulation 19-720.03. Many State Grand Jury files are confidential by law according to Section 14-7-1700 and Section 14-7-1720.

The Records department does not oversee nor manage the Freedom of Information Act (FOIA) process. (**See Appendix 21 of the Office Manual**).

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Confidential Records

The following types of documents are defined as confidential, permanently transferred to the archives even if stored with other records not so defined. DAH staff will make confidential Office documents available only with Office authorization:

- Section 30-4-40(2) Documents causing unreasonably personal invasion of privacy
- Section 30-4-40(3) Law enforcement records
- Section 30-4-40(7) Attorney/client documents and work products

DAH and the Office will determine the proper level of confidentiality required. As examples, legal files (opinions, suits, investigations, and legal advice) are confidential as attorney work product, except for documents already in the public domain.

Document Management System

The Office uses a document management system (DMS) called Worldox to track, manage, and store documents electronically. The DMS is capable of storing different file types, including email, video, spreadsheets, etc. It also has the ability to keep track of various versions of documents created and modified by different users.

Case Management System

The Office uses a case and matter management database software called Lawbase to record its work files. LawBase allows users to create, search, and view case information exist. Training in its use is provided by IT and Records. It is the responsibility of legal staff to create an entry in Lawbase immediately upon commencing work on a matter. It is also their responsibility to update the Lawbase case information.

Opening Files

Two types of files, matters and case, are created and recorded. All attorney or investigator work expected to require at least one hour of time must be recorded in a matter file. The physical matter file is created by sectional staff and must be labeled with the case number assigned by the Lawbase system.

A matter file must be converted to a case file for any of the following types of work:

- Litigated matter
- Formal opinions or legal advice
- Extraditions
- Administrative hearings
- Criminal investigations
- Administrative investigations
- Professional discipline investigations
- Releases, contracts, or other legal documents approved by the Office and not stored in another official file

Conversion from a matter to case file is done by the section staff. This is accomplished by changing the case type while using the matter record entered by the assigned staff.

Section 4**ADMINISTRATION/RECORDS****Numbering System**

All cases are assigned a file number which must be used. This number is used for tracking and indexing files with DAH. The number consists of a four-digit number representing the year and up to a five-digit case file number. If a file is closed and subsequently re-opened, the Records staff must be notified to change the case status.

Case File Location & Storage

Files located in computer records by case name, attorney, open date, subject, plaintiff or defendant. Once opened, an active file is made available to the attorney for storage until closed. Closed case files are to be returned to the Records department.

Matter files may be retained by the assigned attorney and then destroyed, with Records department approval, after five years. Case files must be returned to the Records Department upon closure.

Case files are kept in the Office for at least six months before being shipped to the State Record Center (SRC) for storage. Retrieval of closed files must be requested through the Records Manager. Only 10 files per day may be requested. Records staff will pick up the files within 1-2 days. Closed files are returned to the SRC by Records staff. These files must be organized (papers clamped; under clasp and "Shake Proof" and any unrelated papers removed) before returning to the Records department for transfer. If records from different files are left in the file, it will be returned to the requestor to be organized.

Retention Policy

The Public Records Act requires records to be maintained using retention schedules approved by the DAH.

Records Group Retention Schedules

Listed below are examples of record groups that are generally created or maintained throughout the Office. DAH has established mandatory minimum retention periods for these and other record groups. The category "Executive" includes the Attorney General, all Executive Assistants, all Deputy Attorneys General, and all Division Directors. All records must be delivered to the Office Records Supervisor, who is responsible for completing the storage or destruction procedures required by DAH for compliance with the law and regulations. Electronically stored documents are an adequate substitute for a paper copy. Email messages are retained in accordance with the below Email Message Retention Schedule.

Record Group

Executive Correspondence

Staff Correspondence

Retention Requirement

Three years in office and then transfer all to DAH for permanent storage

Five years in office and then destroy after approval by DAH

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Executive Reports, Memos, etc.

Three years in office and then transfer to DAH

Attorney General Opinions

Opinions from 1921 to present are available in the Office of the Attorney General Law Library and on the Office of the Attorney General website from 1976 to present. Opinions dating from 1959 to the present are also available on the Westlaw or Lexis research databases. Employees need not retain file copies as public records. Research files for the opinion can be stored as a case file.

Miscellaneous Legal Records such as Deeds and Leases

Return to client agency. Office leases stored with accounting records for one year and destroyed after approval by DAH.

Telephone Logs

Retain in Office one year and destroy after approval of DAH.

Envelopes and similar documents

May be destroyed at the discretion of the employee receiving the correspondence.

Calendars

Retain in Office one year and destroy after Approval of DAH. Electronic calendar files may be saved to the DMS as needed.

Matter Files

Retain in Office five years and destroy after approval by DAH.

Legal Case Files

After closing, the hard copy of a case file is stored for six months in the Office. Thereafter, it is to be transferred to the Records Center for fifteen years. Destroy after approval by DAH. Attorney and appropriate staff determine contents of files, but all documents in the public domain must be included. The electronic copy of Legal Case Files, including files created and stored in the DMS, shall be maintained locally.

Accounting and Personnel

Store as required by schedules for these records. Certain documents in an employee's personnel file are retained at

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least 25 years after employment ends. Personnel files may be retained for a longer period of time at the discretion of the Human Resources Manager.

Subject Files

Retain as necessary and destroy after approval by DAH. If these replace correspondence files, store for five years and destroy after approval by DAH.

Associate Counsel Payment and related correspondence

Retain in office three years and notify DAH when destroyed.

Voicemail

When appropriate, electronically stored voicemail may be transferred to the DMS

Office issued mobile phones

Substantive text messages must be moved to DMS in accordance with the email policy below. Any scheduled deletion of text messages shall be in accordance with the user agreement for the cellphone issued. Voicemails on office issued mobile phones shall be in accordance with the voice mail policy above.

Files stored on personal computers, mobile devices, flash drives or other storage devices

In extraordinary circumstances, an employee may need to use a personal computer or store a document in an electronic storage device such as a flash drive or other device including personal mobile phones (text messages or emails) or tablets. In these circumstances, an employee shall transfer or copy such electronic files to an office system such as email or an office issued mobile phone, Office issued within 48 hours of returning to the Office. If the transfer or copy of an email or text does not contain the information about the sender or recipient, the employee should enter such information in some appropriate fashion with the document. The time that the document was received or sent by the employee, shall also be entered if such information appears in the employee's

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phone. Once the document is transferred or copied, its retention shall be in accordance with the policy for that system, and the document may be deleted from the employee's personal computer or other device.

Internet firewall traffic and spam filter systems

Internet browsing history recorded by the Office firewall technology will be stored for 3 months. This browsing history may be preserved for a longer period of time if authorized by the Director of Information Technology and Chief Deputy Attorney General.

Internet and network services history

Locally stored internet browsing history is stored on an employees' computer for 10 days. In extraordinary circumstances, this history may constitute a public record or subject to litigation hold restriction. Therefore, employees must follow the guidelines set forth in the appropriate appendices.

Microsoft Lync or other Office instant Messaging service

Instant messages are stored in Outlook for 10 days in the Conversation History folder in a user's account before being automatically permanently deleted. Microsoft Lync is an instant messaging service provided by the Office to assist employees with interoffice communication. Instant messages should be treated as transient and informal communication on non-substantive matters. However, Lync messages can be moved and stored in the DMS as needed prior to its being permanently deleted.

Retention Schedules

Retention schedules are documents that describe the Office's records and establish how long a type or category of document must remain accessible as well as its final disposition. Retention schedules fall into two categories, general and specific. General schedules are statewide retention schedules developed and implemented within every state agency. Specific schedules are retention schedules written specifically for an agency. Specific schedules allow for a greater level of autonomy based on the agency's needs. Listed below are different types of records the Office creates or maintain. These fall under either the general or specific retention schedule.

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General

Agency Publication

Executive Correspondence

Contracts

Accountability Reports

Specific

Legal Files

Audit Reports

Associate Counsel Payment Records

Lab Drug Test Reports

Listed below are examples of specific schedules in the Office.

11776 STATE GRAND JURY CASE FILES

Description

Used to make presentations before the State Grand Jury requesting the indictment of persons suspected of committing a criminal offence. Information includes case notes, investigative notes, internal memos, investigative reports, transcripts of interviews, date logs, legal filings, and other related information. Some case files include maps, plans, drawings, pictures and videos. This series concerns cases that were prosecuted or dismissed. Records may contain documents for which access is controlled by attorney/client relationship, or sections 30-4-40(3) and section 14-7-1700 of the South Carolina Code.

Retention

Records concerning indictment requests approved by the State Grand Jury:
Agency: 5 years after case is prosecuted.

State Records Center: 10 years.

Agency: Until a court order for records disposition is obtained, destroy.

Records concerning indictment requests rejected by the State Grand Jury:

Agency: 5 years after date of rejection.

State Records Center: 10 years.

Agency: Until a court order for records disposition is obtained, destroy.

17600 GRANT FILES

Description

Documents grants administered by the Department of Crime Victim Assistance Grants (CVAG) via the distribution of federal and state grant funds re-awarded to state and local programs. Records contain the following grant programs: the State Victims Assistance Act, Victims of Crime Act Grants, and Violence Against Women Act Grants as well as grant applications, copies of financial reports, progress reports, expenditure reports, attached vouchers and invoices, copies of contracts, and related correspondence and memoranda.

Retention

Agency: 3 years after closure of grant or closure of audit report covering entire award period, whichever is later,

State Records Center: 5 years, destroy.

8711 SECURITIES FILES OF COMPANIES NOT LOCATED IN SOUTH CAROLINA

Description

Created by Securities Section to track the sale of out-of-state securities in South Carolina. Files include correspondence from law firms or companies, correspondence to law firms or companies, uniform application to register securities, uniform consent to service of process, uniform form of corporate resolution, final prospectus, bylaws, charters, underwriting agreements, specimens, opinions, indentures, resolutions, and any other amendments.

Retention

Agency: 2 years

State Records Center: 3 years, destroy.

Executive Records

The category "Executive" includes the Attorney General, all Executive Assistants, all Deputy Attorneys General, and all Division Directors. All records must be delivered to the Office Records Manager, who is responsible for completing the storage or destruction procedures required by DAH for compliance with the law and regulations. Electronically stored documents are an adequate substitute for a paper copy. Email messages are retained in accordance with the below Email Message Retention Schedule

Based on DAH general schedule for [Administrative Records for State Agencies](#), the following documents are considered Executive Level records for the Office:

- Documented meetings of an agency's executive staff which includes the director, the deputy director, and the division directors (12-302)
- Correspondence that is related to the administration of an agency or division (12-305)

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- Documentation of the actions of an agency director, deputy director and division directors (12-306)
- Final copies of speeches given by an agency director, deputy director and division directors (12-332)
- Files concerning construction and permanent improvements to the agency's facilities (12-326)
- Information concerning agency publicity (press releases, biographies, photographs, etc.) (12-329)
- Internal policies, manual, and procedural directives to govern internal management (12-319)

Executive Files to Permanent Archives

Two years after the Executive staff member leaves the Office remaining staff should partner with Records to prepare files for transmittal to DAH. This includes physical and digital files.

While the files transmitted to DAH are public records, they may or may not be publicly accessible. Redactions of Personally Identifiable Information (PII) and sensitive information are performed at DAH. Sensitive information will not be accessible to the public for the life of the record, which is 75 years.

Executive Positions

The positions listed below fall under these requirements. Any Executive staff not listed is responsible for compliance.

- Attorney General
- Chief Deputy Attorney General
- Deputy Attorney General
- Solicitor General
- Communications Director
- Deputy Communications Director
- Executive Assistant(s)
- Division Director(s)

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Opinions

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Opinions dating from 1959 to present are also available on the Westlaw or Lexis research databases. Employees need not retain file copies as public records. Research files for the opinion can be stored as a case file.

(See Office Manual, Opinions, Section 6)

Email Message Retention Schedule

The Public Records Act defines computer records, including email messages, to be public records. Therefore, to avoid the scheduled deletion of substantive email messages, employees must move messages out of the Outlook “Inbox” and “Sent Items” folder into an appropriate folder in the DMS. In extraordinary circumstances an employee may create an Outlook folder in the employees Outlook account in order to remove the emails from the deletion schedule outlined below. However, employees are strongly encouraged to move email messages to the DMS. Moving the email message out of the Inbox or Sent Items folder removes the message from the email deletion schedule outlined below and ensures that appropriate email messages are preserved. Employees are required to move email messages that relate to specific cases or matters to the specific case and matter folders within the DMS. Email messages which suffice as a memo or letter and document a substantive Office legal or administrative matter must be preserved by moving it into an appropriate folder in the DMS. All email attachments that constitute a public record shall be opened and saved to the appropriate folder in the DMS.

Office email messages in an employee’s Outlook Inbox and Sent Items folder that are more than 90 days old are automatically deleted from the Inbox and Sent Items folder. Once the email messages are deleted from the Inbox and Sent Items folder, an employee may recover the deleted message from the “Deleted Items” box in their Outlook account for up to five days. Thereafter, in extraordinary circumstances, the deleted email messages may be recovered for 30 days by the Information Technology Division if authorized by the Director of Information Technology and Chief Deputy Attorney General. Email messages that are not retrieved after this 30-day recovery period are permanently deleted.

Other Outlook folders, Calendar, Tasks, Notes, Journals, and Draft items are not affected by this Email Retention Schedule. Email messages printed to paper are treated just like any other paper document and covered by the above Records Retention Schedules. Questions regarding email messages should be directed to the Director of Information Technology.

Managers may request that email accounts of certain employees be removed from the automatic deletion schedule where an employee is on extended leave or some other extraordinary reason. This request must be approved by the Chief Deputy Attorney General.

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In extraordinary circumstances and with authorization from the Chief Deputy Attorney General, email accounts for employees that resign or that otherwise terminate their employment with the Office will be archived for six years before being permanently deleted. Otherwise, an employee that has resigned will move the appropriate email to the appropriate location in the DMS. The employee's supervisor will confirm that the employee has completed this task.

****NOTE:** Employees will be instructed on how to move all email messages sent and received prior to July 1, 2016, into an Archive folder. The Archive folder will not be subject to the automatic deletion schedule outlined above. Email messages in the Archive folder will be deleted six years from the date they were moved into the Archive folder (July 1, 2022). Employees may delete emails from the Archive folder when appropriate.

Storage Procedures

Other categories of records that are covered by DAH retention regulations include speeches, Office seminars, legislative subject files, Office mailing lists, and supervisory personnel files. Each employee is responsible for complying with applicable retention schedules. Before destroying or discarding any record, check with the Office Records Manager for retention schedules not summarized above. The transfer of records for storage and/or destruction under mandatory retention schedules is arranged by Records staff. The Records Manager will prepare the required forms for DAH approval before arranging for the destruction of records.

Each employee should screen their records at least annually, so that records ready for storage can be physically transferred to the Records Manager. It is ultimately the responsibility of the assigned attorney to ensure unneeded documents are removed from a file before it is closed and sent for storage. Loose papers should be clamped into place. Any confidentiality requirement or order sealing the record should be noted, including the justification. This information is needed to complete DAH forms.

File Storage Equipment

File cabinet and space needs are expensive. Employees should organize their files to require the minimum space necessary. Records periodically should be screened to remove duplicate or unneeded papers, including duplicate documents with insignificant markups. Closed files should not routinely be kept in offices or file cabinets.

End of Fiscal Year Procedures

The Records Department requests that all files to be closed by the end of each fiscal year be sent to the Records' file room no later than a week (5 days) following the end of the fiscal year, June 30. This also includes any files that are digital, electronic, or Worldox ONLY files. The Records Manager sends a yearly email to all staff as a reminder.

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Destruction

Employees should not destroy any public records listed without first consulting with the Records Manager to ensure compliance with public records laws and regulations. Upon approval by DAH, public records may be destroyed. Records already stored at the DAH will be shredded by its staff. Papers not defined as public records can be recycled. Records approved for in-house destruction must be shredded through partnership with the Records Manager.

Expungement

Article 9, Title 17, Chapter 22 of the South Carolina Code of Laws provides that in certain instances, certain criminal records are subject to expungement. This area of law is revised from time to time, and any questions related to expungement should be resolved after reviewing the current version of the applicable law and consulting with the Records Custodian. All information contained in this subsection is general information which is accurate as of this writing.

In general, when a person is found not guilty or criminal charges against them are dismissed, then certain records are to be destroyed or placed under seal for a specified period of time, or indefinitely. "Under seal" means not subject to disclosure other than to a law enforcement or prosecution agency, and attorneys representing a law enforcement or prosecution agency, unless disclosure is allowed by court order. A state agency or employee of a state agency who intentionally violates certain provisions of these laws is subject to contempt of court or is guilty of a misdemeanor. See S.C. Code Ann. § 17-1-40.

An employee should contact the Records Manager in the following situations:

1. When it appears that agency records have become subject to expungement, including by court order;
2. When it appears that agency records requested by the public may be under seal;
3. At any other time that an employee is unsure how to handle, disclose, or dispose of particular agency records.

(Consult Records Manager for Office procedures to expunge a file)

Litigation Hold Policy

The retention policies shall be superseded by the Office Litigation Hold Policy. (**See Litigation Hold Policy Office Manual Appendices**).